

MOTION BY SUPERVISOR GLORIA MOLINA

April 15, 2003

Existing California law requires police agencies to maintain complaints, and reports and findings relating to those complaints for five years, but leaves the decision to the local police agencies to determine what happens to these records after five years. Assembly Bill 834 (La Suer) would change state law to require destruction of these records after the five-year retention period.

The County should oppose AB 834 because it will remove the Sheriff's discretion on retention of records that can be valuable for managerial, training, legal and policy reasons. Tracking the disciplinary history of officers can provide a valuable tool to improve the performance of law enforcement agencies and reduce costly litigation. Furthermore, if adopted, AB 834 may subject law enforcement agencies to constitutional challenges for violation of the Brady Doctrine. State law already provides extensive protections to ensure against the misuse of old complaints.

MOTION

Molina	_____
Yaroslavsky	_____
Knabe	_____
Antonovich	_____
Burke	_____

The Sheriff and the Office of Independent Review have recommended opposition to AB 834 now scheduled for a hearing before the Assembly Public Safety Committee on April 22, 2003. The Board of Supervisors should support this recommendation.

I THEREFORE MOVE that the Board of Supervisors direct the Los Angeles County Legislative Representative to oppose Assembly Bill 834 (La Suer) as recommended by the Sheriff and Office of Independent Review.